United States District Court Southern District of Texas

## **ENTERED**

April 25, 2016

David J. Bradley, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION

MARK A BEVERLY,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 2:15-CV-00468
	§
AUTONATION, INC.; aka	§
AUTONATION USA CORP; aka	§
AUTONATION USA; dba CORPUS	§
CHRISTI GP, LLC; dba CORPUS	§
CHRISTI T. IMPORTS LP; dba	§
AUTONATION SCION CORPUS	§
CHRISTI; dba AUTONATION TOYOTA	§
CORPUS CHRISTI; dba CHAMPION	§
SCION CORPUS CHRISTI; dba	§
CHAMPION TOYOTA,	§
	§
Defendants.	§

## ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On March 15, 2016, United States Magistrate Judge B. Janice Ellington issued her "Memorandum and Recommendation" (D.E. 24), recommending that this Court enter an order referring Plaintiff's claims to arbitration, staying this case, and administratively terminating it. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and

recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 24), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Defendant's Motion to Compel Arbitration (D.E. 7) is **GRANTED** and the claims set out in this action are **REFERRED TO ARBITRATION**. This action is further **STAYED** pending arbitration and the Court instructs the Clerk to **ADMINISTRATIVELY CLOSE** this case.

ORDERED this 25th day of April, 2016.

NELVA GONZALES RAMOS

UNITED STATES DISTRICT JUDGE